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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,392	09/27/2003	Marko W. Pfaff	PL002-0002	2391

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EXAMINER	
BADII, BEHRANG	
ART UNIT	**PAPER NUMBER**
3694	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/605,392	PFAFF ET AL.	
	Examiner	Art Unit	
	Behrang Badii	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 0112*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 1/12/07 have been fully considered but they are not persuasive. Ribes discloses encoding via XML as described below. When information is made by using XML, it is inherent that an XML encoder is being used. The using of an XML encoder is well know in the art and it is also well know to a person of ordinary skill in the art that XML codes go hand in hand with an XML encoder.

Using a security algorithm chosen based on the selected security parameter index is inherent and well known in the art. Further the secondary reference, Ribes also discloses this phenomenon.

Ginter et al. is disclosing part of the independent claim that was not discloses in the rejection of the independent claims. The disclosure of XML was already discussed in the independent claim, upon which dependent claims 30, 31, 38 and 39 depend. Further, Ginter does disclose identifiers. These identifiers can be substituted for any kind of identifier such as a destination identifier.

Both Cato and Ribes disclose the use of XML in the process of encryption and key creation as discussed below.

2112 [R-3] Requirements of Rejection Based on Inherency; Burden of Proof

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure

in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

DETAILED ACTION

Claims 28-43 have been examined

P = paragraph, e.g. p1 = paragraph 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28, 29, 32, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art, and further in view of Ribes et al, 2003/0198347.

As per claims 28 and 36, the applicant's disclosed prior art discloses a digital rights source for encoding a digital rights key, the digital rights key comprising permission information and a signature, the digital rights source comprising: a digital signature calculation block for calculating a digital signature using at least the permission information (p5 and 6); and an assembler operatively coupled to the digital signature calculation block to assemble at least one digital rights key using both the calculated digital signature and the permission information (p 5 and 6). The disclosed prior art does not disclose an XML encoder wherein the final result is to add XML tags surrounding the permission information and to add XML tags surrounding the calculated

digital signature when assembling the at least one digital rights key. Ribes discloses an XML encoder wherein the final result is to add XML tags surrounding the permission information and surrounding the calculated digital signature when assembling the at least one digital rights key (p37 and 77; claims 23, 46, 69 and 92). It would have been obvious to modify the disclosed prior art to include an XML encoder wherein the final result is to add XML tags surrounding the permission information and surrounding the calculated digital signature when assembling the at least one digital rights key such as that taught by Ribes in order to for a conditional access system to undertake the distribution and management of digital rights and keys in business-to-business applications which respects the current and future business rules and which is more flexible with respect to the actions allowed to each actor and to a fluctuation in the number of actors (Ribes: p10).

As per claims 29, 32, 37 and 40, the disclosed prior art discloses wherein the digital rights source security parameter index; and wherein the digital rights source further comprises a selector for selecting a security parameter index among a plurality of security parameter indexes; and wherein the digital signature calculation block is operatively coupled to the selector to receive the selected security parameter index and to calculate a digital signature using a security algorithm chosen based on the selected security parameter index (p5 and 6) and wherein the permission information of the digital rights key comprises a feature ID and a number of feature units; and wherein the assembler assembles the digital rights key using at least the feature ID and a number of feature units (p5 and 6).

Claims 30, 31, 34, 35,38, 39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art as applied to claim 28 and 36 above, and further in view of Ginter et al., U.S. patent application publication 2002/0112171.

As per claims 30, 31, 38 and 39, the disclosed prior art discloses a digital rights source for encoding a digital rights key as discussed above. The disclosed prior art does not disclose a destination identifier or a type designation (unique identifier). Ginter et al. discloses a destination identifier (p997 & 504) and a type designation selected from the group consisting of element and network (unique identifier, p 500 & 690). It would have been obvious to modify the disclosed prior art to include the usage of a destination identifier and the type designation (unique identifier) in the digital rights key such as that taught by Ginter et al. in order to in order to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions (Ginter et al.; abstract).

As per claims 34, 35, 42 and 43, the disclosed prior art discloses a digital rights source for encoding a digital rights key as discussed above. The disclosed prior art does not disclose encoding or decoding of the digital key by the digital rights source. Ginter et al. discloses encoding and decoding of the digital key by the digital rights source (p1194, abstract, p1564 and 1926). It would have been obvious to modify the disclosed prior art to include encoding and decoding of the digital key by the digital rights source such as that taught by Ginter et al. in order to protect rights of various

participants in electronic commerce and other electronic or electronic-facilitated transactions.

Claims 33, 41, 44 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art as applied to claim 28 and 36 above, and further in view of Cato et al. USPAP 2003/0120928.

As per claims 33, 41, 44 and 45, the disclosed prior art discloses digital rights key with permission information, assembling the key using the information and digital signature block calculating the digital signature using the permission information as discussed above. The disclosed prior art does not disclose clear text or parsing. Cato et al. does disclose clear (plain) text (abstract, p26) and parsing together in XML (p101 and 128. It would have been obvious to modify the disclosed prior art to include clear (plain) text such as that taught by Cato et al. in order to facilitate search and file transfer and more easily allow authentication and maintenance of the integrity of the rules-metadata information (Cato et al., abstract).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (571)273-8300

Hand delivered responses should be brought to

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3694

BB

ELLA COLBERT
PRIMARY EXAMINER